IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
::::

O R D E R

Sanwata Ram
Vs.
State of Rajasthan & Ors.

S.B. CIVIL WRIT PETITION NO.6863/2003 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 29th November, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.G.R. Punia, Advocate for the petitioner.
Mr.Rameshwar Dave, Additional Advocate General.

BY THE COURT

The petitioner has challenged the order dated 19th October 2002 whereby he was placed under suspension on the ground of having been detained in jail on account of his arrest in criminal case No.213/2002 for offence under Section 409 IPC. Simultaneously, the department has also served upon him a charge-sheet on 12th June, 2002 on the same charge on which he is facing criminal trial.

This writ petition was filed way back in the year 2003. While issuing notices of the writ petition on 13th December, 2003 this Court stayed the operation of the order of suspension dated 19th October 2002 which order continues to remain in force till date. According to the learned counsel for the petitioner, the challan against the petitioner has been filed in the aforesaid case on 11th October, 2002 in the court of Chief Judicial Magistrate, Makrana but so far even charges have not been framed. He further submits that the departmental inquiry has also not been proceeded further except service of charge-sheet. He therefore submits that the impugned order of suspension be quashed and set aside.

Having heard learned counsel for the parties, I am of the considered view, whether or not the order of suspension should be continued in the aforesaid circumstances, is required to be considered by the appointing authority/competent authority. It would be therefore only appropriate to permit the petitioner to make a representation to the competent authority detailing out his grievances including the grounds raised in the present petition and the facts noted above, who shall then apply his mind afresh as to the necessity of continuing the petitioner under continued suspension and keeping particularly in view the fact that the completion of trial and the departmental inquiry are likely to take long. The petitioner

should make such representation within 15 days from today and the competent authority is directed to dispose of the representation within two months from the date it is submitted by the petitioner. Till disposal of the representation however the interim order dated 13th December, 2003 shall continue to remain in force.

The writ petition is accordingly disposed of with the aforesaid observations.

[MOHAMMAD RAFIQ],J.

AKC.